

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2483 OF 2019

Sachin Manik Chavan ...Applicant

V/s

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 2287 OF 2019

Swapnil Ashok Sidhanale ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Sanjeev Kadam a/w. Sarthak Diwan a/w. Prashant P. Raul
i/b. Suvarna A. Vast for the applicant.
Mr. S. H. Yadav APP for the State/Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 12TH DECEMBER, 2019

PC :

1. The applicants in both these applications were arrested on 1st March, 2019 in connection with C.R. No. 95 of 2019, registered with Karveer Police Station, Kolhapur for the offences punishable under Sections 364A, 367, 385, 324, 323, 504, 506(2), 507, 120(B) of Indian Penal Code, 1860 ('IPC' for short).

2. The complaint was lodged by Sudhakar Sulkude on 1st March, 2019. It is alleged that since last 20 years the complainant is running business of supplying steel required for construction of buildings. He had business relationship with the owner of Padmavati Steel, Mr. Swapnil Sidhanale (applicant in BA No. 2287 of 2019). The complainant used to purchase steel in wholesale from the accused and sell the same to party at Karnataka. Since last two years, he had purchased steel worth Rupees Two Crores Fifty Lakhs from the said accused and had paid the amount in installment to the tune of Rupees One Crores Fourty Lakhs. Due to the financial difficulties the complainant could not pay the balance amount of Rupees Sixty Lakhs to the said accused. The complainant had told him that he would gradually pay the balance amount. The complainant had received a call from the Sachin Chavan (applicant in BA No. 2483 of 2019). He has stated that he is affiliated to political party and he has undertaken the work of recovering amount due to Swapnil. He made repeated calls. The complainant had parted some amount thereafter. On 27th February, 2019, while returning home, complainant was abducted by accused Sachin Chavan. He had come in Tavera Car with three unidentified persons. His mouth was gagged and by

pointing knife at him, he was threatened for not making payment to Swapnil. He was assaulted with fist and kick blows. He was assaulted by knife on his head. Accused took him in the car. He was taken to several places. Subsequently, call was made to the son of the complainant, threats were issued. On 28th February, 2019, applicant Sachin Chavan alighted him from vehicle. Before that accused were planning to throw him on track. Accused Sidhanath came in car of complainant. He was taken to a building. He was provided meal and allowed to sleep. The accused demanded money. He was assaulted. He was told to arrange Ten Lakhs. Complainant was given snacks. He was made to part an amount of Rupees Five Lakhs through RTGS. The complainant was detained with the accused from 27th February, 2019 to 1st March, 2019. The complainant had agreed to settle the matter. Complainant informed the police and the applicants were arrested on 1st March, 2019. Statement of various persons were recorded during the course of investigation, charge-sheet is filed.

3. Learned counsel for the applicant submit that, undisputedly, the complainant was supposed to make the payment to the applicant Sidhanale. The case of the

prosecution is that since dues were not paid, he was abducted and call for ransom was made. It is submitted that the statement of witnesses would indicate that the complainant did not raise any shouts while he was accompanying with the accused. It is submitted that the version of the complainant is contrary to medical certificate. The applicants are in custody from the date of arrest. There are no criminal antecedents against them.

4. Learned APP submitted that the offence is of serious nature. Accused had abducted the victim and subsequently call for ransom was made. Victims son had deposited the amount of Rupees Five lakhs through RTGS. The complainant was assaulted. He was constantly threatened. Sticks were recovered from vehicle.

5. On perusal of the documents on record, it appears that the complainant has stated in his complaint that he had business transactions with the applicant Swapnil Sidhanale. He had purchased steel from the said accused from time to time. Although, he has made the substantial payment, there were dues of about Rupees Sixty Lakhs. Subsequently, some part payment was made. He was

allegedly abducted for non-payment of dues. The complainant has stated that he was in financial crunch hence he could not make the balance payment. He had assured the complainant that he would make the payment gradually. The statement of the witnesses indicate that he was taken to various places. The injury certificate refers to injury in the nature of blunt trauma to the upper arm, arm, right hip, trunk and thigh of the complainant, which was simple in nature. Indeed, the alleged mode adopted by accused is not justifiable. The applicants are in custody from 1st March, 2019. Investigation is completed and charge-sheet is filed. There is no recovery of knife from the arrested accused. The other accused were arrested and they were granted bail. The prosecution could not point out criminal antecedents against the applicants. In this circumstances, further detention of the applicant is not called for. Bail can be granted on certain terms and conditions.

ORDER

(i) Bail Application No. 2483 of 2019 and Bail Application No. 2287 of 2019, are allowed;

(ii) The applicants are directed to be released on

bail in connection with C.R. No. 95 of 2019, registered with Karveer Police Station, Kolhapur, on furnishing P.R. Bond in the sum of Rs.25,000/-, each with one or more sureties in the like amount;

(iii) The applicants are directed to report the concerned Police Station, once in a month on first Saturday of every month between 10:00 a.m. to 12:00 noon till further order;

(iv) Bail Applications stands disposed of accordingly.

(PRAKASH D. NAIK, J.)